

REMARKS

Claims 1, 6-11, 12, 13, 15, 19-22, 31, 33, 34, 36, 37 and 39-41 are pending in the above-captioned patent application after this amendment. Claims 1, 6-13, 15, 17-28, 30, 31, and 33-38 have been rejected. The Applicant respectfully disagrees with the rejection of at least some of the claims. However, claims 1, 12, 31 and 36 have been amended, claims 17, 18, 23-28, 30, 35, and 38 have been cancelled without prejudice, and claims 39-41 have been added for the purpose of expediting the patent application process in a manner consistent with the goals of the Patent Office pursuant to 65 Fed. Reg. 54603 (September 8, 2000), even though the Applicant believes that at least some of the previously pending claims were allowable. Support for the amendments and the new claims can be found in the originally filed claims and specification. In particular, support for the new claims and the amendments can be found in original claims and in Figure 1A.

No new matter is believed to have been added by this amendment. The applicant respectfully requests consideration of the amendment after final because the applicant has filed a Request of Continued Examination concurrently herewith. Reconsideration of the pending application is respectfully requested.

Rejections Under 35 U.S.C. § 102(b)

Claims 1, 6-13, 15, 17-24, 26-28, 30, 31, and 33-38 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Scott et al.. The Applicant respectfully submit that the rejection of claims 1, 6-13, 15, 19-22, 31, 33, 34, 36, 37 is unsupported by the art and should be withdrawn. The rejection of claims 17, 18, 23-28, 30, 35, and 38 is moot in view of the cancellation of these claims.

The Applicant provides that Scott et al. is directed to an irrigation system that includes a generator that operates to charge and sustain a storage battery. The battery powers a receiver that can be used to open or close a valve that provides fluid to irrigate an area. (Abstract). It should be noted that the generator disclosed in Scott et al. is positioned away from the nozzle that releases the fluid. In fact, the nozzle is not even shown in Figure of Scott et al. As a result thereof, Scott et al, does not teach or disclose an irrigation unit that includes a housing, a nozzle secured to the housing, an electronic component that is secured to the housing, and a generator secured to the

housing.

In distinction to Scott et al., claim 1 of the present application is directed to an “irrigation unit ... comprising a housing; a nozzle that is secured to the housing, the nozzle being in fluid communication with the fluid source so that fluid from the fluid source is transferred to the nozzle and released from the nozzle to the area; an electronic component that is positioned within the housing; and a power generator that generates electrical energy, the power generator directly transferring at least a portion of the electrical energy to the electronic component, the power generator including a generator and a turbine that is in fluid communication with the fluid source, wherein the flow of the fluid from the fluid source to the nozzle causes the turbine to rotate the generator to generate electrical energy.”

Because Scott et al., does not disclose all of the elements of claim 1, the § 102(b) rejection is unsupported by the art and should be withdrawn. Because claims 6-11 depend either directly or indirectly upon claim 1, the rejection of these claims under 35 U.S.C. § 102(b) is also unsupported by the art and should be withdrawn.

Further, claim 12 of the present application is directed to an “irrigation unit ... comprising: a housing; a nozzle that is secured to the housing, the nozzle being in fluid communication with the fluid source so that fluid from the fluid source is transferred to the nozzle and released from the nozzle to the area; an electronic component secured to the housing; and a power generator including a generator and turbine that rotates the generator to generate electrical energy, the power generator being secured to the housing, the power generator being electrically connected to the electronic component.”

Because Scott et al., does not disclose all of the elements of claim 12, the § 102(b) rejection is unsupported by the art and should be withdrawn. Because claims 13, 15, and 19-22 depend either directly or indirectly upon claim 12, the rejection of these claims under 35 U.S.C. § 102(b) is also unsupported by the art and should be withdrawn.

Additionally, claim 31 of the present application is directed to a “method ... comprising the steps of: providing a housing; securing a nozzle to the housing, the nozzle being in fluid communication with the fluid source so that fluid from the fluid source is transferred to the nozzle and released from the nozzle to the area; securing an electronic component to the housing; and directly transferring electrical energy from

a power generator to the electronic component, the power generator including a rotating turbine that rotates a generator to generate electrical energy, the power generator being secured to the housing.”

Because Scott et al., does not disclose all of the elements of claim 31, the § 102(b) rejection is unsupported by the art and should be withdrawn. Because claims 33-34 depend either directly or indirectly upon claim 31, the rejection of these claims under 35 U.S.C. § 102(b) is also unsupported by the art and should be withdrawn.

Further, claim 36 of the present application is directed to a “method ... comprising the steps of: providing a housing; securing a nozzle to the housing, the nozzle being in fluid communication with the fluid source so that fluid from the fluid source is transferred to the nozzle and released to the area; securing an electronic component to the housing; storing electrical energy with a power storage unit that is electrically connected to the electronic component, the power storage unit being positioned within the housing; and directly transferring electrical energy from a power generator to the electronic component, the power generator including a rotating turbine that rotates a generator to generate electrical energy, the power generator being positioned within the housing.”

Because Scott et al., does not disclose all of the elements of claim 36, the § 102(b) rejection is unsupported by the art and should be withdrawn. Because claim 37 depends upon claim 36, the rejection of this claim under 35 U.S.C. § 102(b) is also unsupported by the art and should be withdrawn.

New Claims

New claims 39-41 have been added by this amendment. These claims are of a slightly different scope than the previously pending claims. However, the applicant believes that these claims are patentable in view of the cited references.

Conclusion

In conclusion, the Applicant respectfully asserts that claims 1, 6-11, 12, 13, 15, 19-22, 31, 33, 34, 36, 37 and 39-41 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 858-456-1951 for any reason that would advance the instant application to issue.

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Respectfully submitted,



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